SKETCHES

OF

American Policy.

Under the following Heads;

I. Theory of Government.

II. Governments on the Eastern Continent.

III. American States; or the principles of the American Constitutions contrasted with those of European States.

IV. Plan of Policy for improving the Advantages and perpetuating the Union of the American States.

By NOAH WEBSTER, Jun'r. Esq.

HARTFORD:

PRINTED BY HUDSON AND GOODWIN.

M.DCC.LXXXV.

ADVERTISEMENT.

BEFORE the appearance of Dr. Price's Pamphlet, I had formed a deſign of publiſhing ſome Remarks on the American Conſtitutions and on the Federal Government. Many of my obſervations, particularly on religious teſts and eſtabliſhments, and on liberty of diſcuſſion, have been anticipated by that reſpectable writer, ſo diſtinguiſhed by the juſtneſs and liberality of his ſentiments and by his attachment to America. If the following obſervations, thrown together in haſte and without much regard to method, can have any merit, it is this, that they are dictated by an honeſt intention and full conviction of their truth.

Sketches of American Policy.

Theory of Government.

MEN, in every ſtage of ſociety, have found it neceſſary to eſtabliſh ſome form of government to protect their perſons and property from invaſion.

Mankind may be conſidered in a threefold view—with reſpect to themſelves as individuals—with reſpect to the whole community or ſupreme power—and with reſpect to the magiſtrate or executive authority.

Every individual in ſociety has certain powers, rights and privileges, which no other individual can juſtly abridge or deſtroy; and of which conſequently the whole body of individuals has no right to deprive him without his conſent. But in a ſtate of nature, where every individual has rights, and has no power but his own ſtrength to defend them, his perſon is conſtantly expoſed to the abuſes, and his property, to the encroachments of his more powerful neighbour. Hence the origin of a ſocial compact which either expreſſed or implied, is the baſis of all civil government. This compact is nothing more than an aſſociation of all the members of a community, by which each individual, for his own ſecurity, conſents to obey the general voice. This aſſociation of all the individuals of a community is called the *body politic* or

ſtate

ſtate. This body, when active, is called a *ſovereignty*; when compared with other ſtates, it is called ſimply a *power*. The members, ſpoken of collectively, are called *people*; ſpoken of ſeverally, they may be called *citizens*; and each member, being under the controul of the whole body, is, in this reſpect, a *ſubject*.

In this act of aſſociation, there is a reciprocal engagement between the public body and its particular members. The public body engages to protect the perſon and property of each member, and each member engages to be obedient to the public body. In other words, each individual engages to aſſiſt his fellow citizens in protecting the rights of the whole, merely from a regard to his own ſafety; and each engages to yield obedience to the public voice from the ſame motive. Hence we may obſerve that what is called *patriotiſm* or *public ſpirit* is nothing but ſelf-intereſt, acting in conjunction with other intereſts for its *own ſake*; and that *public good* is but the aggregate ſum of the individual intereſts, in a ſtate. Thus a ſtate, compoſed of ten thouſand individual intereſts, becomes, with reſpect to other ſtates, one ſingle intereſt and is conſidered as an individual.

A ſtate thus formed by compact is a ſovereign power and has a right to command the ſervices and obedience of each member. Should a queſtion ariſe, Whether ſuch a ſtate can exerciſe acts of tyranny? I anſwer, that it is impoſſible. The ſovereign power is the whole body of the people collectively, and the people will never make laws oppreſſive to themſelves. The whole body may be wrong in a political meaſure; but whenever this happens, it is always through miſtake and never through deſign. Inſtances of error in a ſtate are very rare and wrong meaſures always produce inconveniences which, if very obvious, ſoon find a remedy. When therefore the ſovereign power reſides in the whole body of the people, it cannot be tyrannical, not becauſe it is barred by a phyſical neceſſity, but becauſe the ſame power which frames a law, ſuffers all its conſequences, and no individual or collection of individuals will knowingly frame a

law

law injurious to itſelf. In the ſocial compact, every individual enters into an engagement with himſelf—in the laws of the public body, each member lays an obligation upon himſelf—and in obeying thoſe laws, each yields obedience to himſelf. In ſuch a ſtate, every member is as much bound by the laws, as he is by a bond ſubſcribed by his own hand. Theſe principles apply, with equal force, to repreſentative governments. When, agreeably to the conſtitution, a hundred men chooſe one perſon to repreſent them in enacting laws, they give him all their own power; he is their agent and ſubſtitute; his voice is the voice of his conſtituents; his conſent to a meaſure is as binding upon the hundred as their own.

Let us ſee how theſe principles affect the rights of property. Every individual has ſome property, which, while it remains in him, is ſacred and cannot be touched by the public. But every individual, when he becomes a part of the *body politic*, voluntarily relinquiſhes ſo much of his property as is neceſſary to defray the expence of ſecuring the remainder. The public therefore has a right to call upon every individual for this proportion. But the public has no right to the property of a partial number of individuals, any more than a robber has a right to my purſe becauſe he has moſt ſtrength; yet the public has a right to the property of the whole, whenever the general ſafety demands it.

In order to underſtand this clearly, it is neceſſary to define the term, *law*. *Law* is a rule or decree of the ſupreme power of a ſtate, which reſpects all its members. Its object muſt be general, or it cannot be termed, *law*. The decrees of a ſupreme power muſt be general, and are therefore *laws*; for which reaſon, any acts which regard a part of the community, are unjuſt, unleſs where ſuch power acts as a magiſtrate in ſubordination to law. Thus the ſupreme power cannot order a ſingle perſon to do a tower of militia duty; yet it can call forth every effective man in the ſtate. The ſupreme power cannot oblige an individual to fill a certain office; yet it can paſs a law, creating ſuch an office, and exacting a penal-

ty

ty of hundreds that refuſe to accept it, when legally choſen. And when the ſupreme power chooſes a perſon for any office, it acts wholly in ſubordination to law. The ſovereign power has no right to tax an individual; but it has a right to tax all the individuals of the ſtate, with any ſums that the public ſafety requires.

The eſſence of ſovereignty conſiſts in the general voice of the people. But each individual purſues his own intereſt; and conſults the good of others no farther than his own intereſt requires. Hence the neceſſity of *laws* which reſpect the whole body collectively, and reſtrain the purſuits of individuals when they infringe the public rights. But laws in the hands of people at large can have no energy. A law in the hands of a whole people, would have no more effect, than the principles of natural juſtice have among wild ſavages. Every individual would ſtill be at liberty to obey or diſobey that law at pleaſure. Hence ariſes a third relation among a people, viz. that of the magiſtracy, the buſineſs of which is to execute thoſe laws which the people enact in capacity of ſovereign.

A people cannot diveſt themſelves of the ſovereignty, and when they chooſe a magiſtrate or governor, they appoint only a *ſervant* to execute their orders. Whenever an executive officer exceeds the limits of his duty or ventures to adminiſter juſtice upon any rules or principles of his own, he encroaches on the ſovereign power—he becomes a tyrant—and forfeits his life. But while he is inveſted with the power of executing the laws, he is a *public* ſervant; not, as ſome people fooliſhly imagine, a ſervant of any individual, but a ſervant of the ſtate and reſponſible for his conduct to the ſovereign power.

From the preceding conſiderations, it follows, that there are three diſtinct relations ſubſiſting in a well organized ſociety; the relation of citizens to each other as individuals; the relation of each citizen to the whole collectively or ſovereign power; and the relation of each to the magiſtracy or executive authority. Every individual has a ſhare of the ſovereign power—every indivi-

dual

dual is a ſubject of that power—and a few only, who are public ſervants, are veſted with the right of adminiſtring the laws.

The people in their collective capacity, enact laws; the magiſtrates receive the laws from them with the power of the whole body to enforce them; and the people, in their individual capacities, yield obedience to the laws. On a due obſervance of theſe reſpective rights and duties depend the peace and happineſs of government. If the ſupreme power would *execute* laws; if the magiſtrates would *enact* them and the ſubjects refuſe to *obey* them, diſorder would ſucceed and deſpotiſm or anarchy be the fatal conſequence. The only inſtance in which the ſupreme power ought to interpoſe in enforcing its own decrees, is when the magiſtracy is inſufficient for the purpoſe; and ſuch want of power in the magiſtracy may ever be conſidered as a defect in the conſtitution.

In order to determine whether it is beſt to veſt the adminiſtration of the laws in one man or more, it is neceſſary to examine the ſubject with more attention.

Let us ſuppoſe we live in a ſociety conſiſting of a thouſand members. Theſe, in their collective capacity, form the ſupreme power, of which each member poſſeſſes a thouſandth part. If the executive power is veſted in all the members equally, each poſſeſſes a thouſandth part; which is ſo ſmall a proportion, that no individual can execute a law, and the probability is that the whole will never unite. Such a diviſion of power would deſtroy its effect. Suppoſing ten men of the thouſand are choſen as magiſtrates to execute the laws of the ſtate, in this caſe the power of the whole thouſand is veſted in ten men and the laws may be executed; but as there is ſtill a diviſion of power, the adminiſtration will be ſlow and feeble. Let the power of the whole be brought to a point and veſted in a ſingle perſon, and the execution of laws will be vigorous and deciſive.

If the ſociety is encreaſed to the number of ten thouſand ſubjects; each member then poſſeſſes but a ten thouſandth part of the ſovereignty, to which he is as much

ſubject

ſubject as an individual in the ſociety of a thouſand members. Hence it follows that in proportion as the number of citizens is encreaſed, the liberty of each is diminiſhed. In a ſmall pariſh an individual has a great proportion of influence; but in a large ſtate, a ſingle voice is almoſt loſt among the multitude. If theſe propoſitions are true, it follows that the leſs proportion each will bears to the will of the whole, the leſs influence will manners have in preſerving the peace of ſociety; and of courſe the force of laws muſt be augmented in proportion. But as the opportunities for magiſtrates to abuſe their power are multiplied in proportion to the magnitude of the ſtate, the power of the legiſlature to reſtrain and puniſh the magiſtrates ought to be encreaſed in the ſame proportion.

If the influence of manners in regulating ſociety, is diminiſhed in proportion to the magnitude of a ſtate, and the force of laws ought to be increaſed in the ſame ratio, it follows that the larger a ſtate is, the leſs ought to be the number of magiſtrates.

To underſtand this maxim, we muſt conſider that three different intereſts center in the perſon of the magiſtrate; his own private intereſt, tending ſolely to his own advantage; the intereſt of the magiſtracy, tending to the advantage of that body; and the intereſt of the whole people collectively or the ſupreme power. In a perfect ſyſtem of government, the intereſt of the individual ſhould have *no* influence in adminiſtration; that of the magiſtracy ſhould be *very inconſiderable*, and that of the people ſhould govern all others. But ſuch is the nature of man, that the public intereſt has the leaſt influence; the intereſt of the magiſtracy is more powerful; and the intereſt of the individual bears the principal ſway. This order is totally repugnant to the happineſs of civil government. If a ſociety is compoſed of a thouſand individuals and the magiſtrates are ten, the intereſt of the individual in any one magiſtrate, is in fact but a thouſandth part of the whole and that of the magiſtacy but a tenth, and yet his own intereſt will have the principal ſway.

While

While theſe intereſts are divided, government muſt of courſe be feeble. Unite them and government becomes active and energetic. Suppoſe the executive power all veſted in an individual; the whole intereſt of the magiſtracy is blended with that of the individual; and this union of the two moſt active principles, renders government as energetic as poſſible. Hence we deduce the foregoing maxim that the number of magiſtrates ought to be in an inverſe proportion to the magnitude of the ſtate, the conſequence of which is that a monarchical form of government is beſt for large ſtates.

From the foregoing principles, we may learn what forms of government are moſt favourable for the liberty of the ſubject. No perſon can be ſaid to enjoy civil liberty, who has no ſhare in legiſlation, and no perſon is ſecure in ſociety, unleſs the laws are known and reſpected.

In deſpotic governments, where the ſceptre is ſwayed by an individual, the ruler, whether denominated an Emperor, a King or a Baſhaw, having the ſole right of making and executing laws, is the only perſon who enjoys any liberty. Every individual within his dominions is a ſlave. In this caſe, the intereſt of the individual, of the magiſtrate, and of the ſupreme power, are all united, and government is of courſe as active as poſſible. Hence the vigour and deciſion of military operations, when the power of the general is without limitation.

Deſpotic power is not always tyrannical; in the hands of a mild prince, it may be favourable to the rights of the ſubject. But ſuch is the depravity of human nature, that it is madneſs in a people to veſt ſuch power in an individual. Denmark furniſhes the only inſtance of abſolute power conferred on an individual by the ſolemn act of the people; and it furniſhes perhaps the only inſtance of abſolute power that has not been abuſed.

A limited monarchy, where the power of the ſovereign is reſtrained by certain laws, is far preferable to deſpotiſm. But if he monarch has the power of making *any* laws, the people are ſo far ſlaves. However ſuch

power may be ſanctified by time, cuſtom or hereditary ſucceſſion, the exerciſe of it, in a ſingle inſtance, is an act of tyranny. The king of Great-Britain cannot make a ſingle law binding upon his ſubjects, but he can defeat every bill that is propoſed by parliament. Is ſuch a nation free? The Engliſh boaſt of their privileges, and with ſome reaſon, when they draw a compariſon between themſelves and the vaſſals of a Poliſh nobleman. But when compared with the eternal immutable rights of man, their privileges ſhrink into inſignificance. With what face can a nation boaſt of their liberties, when an individual of that nation can, with a ſingle expreſſion, *the king will conſider of it*, defeat any meaſure that the parliament may adopt? Neither the title nor the dignities of royalty can make a king more honeſt or leſs fallible than another man; and upon the principles of natural right, any member of parliament might as well negative an act of that body, as the king. A nation which is ſubject to the will of an individual is a nation of ſlaves; whether that nation receives its laws from the arbitrary will of its ſovereign, or whether the people reſerve to themſelves the right of making their own laws and give their ſovereign full power to annihilate them at pleaſure. In either caſe a nation is at the mercy of an individual*.

An ariſtocracy is a form of government of all others the moſt to be dreaded; I mean, where the right of legiſlation is veſted in a hereditary nobility. The idea of being *born* a *legiſlator*, is ſhocking to common ſenſe, and the fact is a reproach to human nature. In ſuch a government, the intereſt of the people is out of queſtion. The intereſt of the ſupreme power, of the magiſtracy, and of the individual are here blended, and they are diſtinct and independent of the intereſt of the people. The conſequence is, that when theſe intereſts coincide in

* The ſole excluſive right of levying taxes is veſted in the houſe of commons; and is the only conſtitutional privilege of legiſlation in the Engliſh nation; unleſs we rank the right of dethroning and electing their king for male-adminiſtration, among their conſtitutional privileges.

in all the members of the legiſlature, they are combined to oppreſs their ſubjects, and when they claſh, as often happens, the ſtate is torn with diſſenſions and civil war.

From the preceding conſideration, I deduce this definition of the moſt perfect practicable ſyſtem of government; "a government, where the right of *making* laws, is veſted in the greateſt number of individuals, and the power of *executing* them, in the ſmalleſt number." In large communities, the individuals are too numerous to aſſemble for the purpoſe of legiſlation; for which reaſon, the people appear by ſubſtitutes or agents; perſons of their own choice. A repreſentative democracy ſeems therefore to be the moſt perfect ſyſtem of government that is practicable on earth.

Governments on the Eaſtern Continent.

IT will be ſaid that I have deſcribed a ſyſtem of government, excellent in theory, but impracticable.

It will be alledged that all kinds of government have been attempted by mankind, and that all the efforts of knowledge and virtue have proved ineffectual to preſerve the rights of men from the graſp of ambition or from the gradual approaches of corruption.

I will not undertake to aſſert that a perfect ſyſtem of civil polity can be eſtabliſhed on earth. All human inſtitutions muſt be imperfect. Nor will I venture to predict, that a form of government, founded on the true principles of natural right; on the broad baſis of civil and religious liberty, can be permanent in the fluctuation of human events. But I dare aſſert that no nation, of which hiſtory gives us any account, was ever in a ſituation to make the experiment; and that there is nothing in the nature of things to render ſuch an event impoſſible.

To

To prove this it will be neceſſary to take a general view of the conſtitutions of government that have been moſt famous, either for their principles, their continuance, or their effects upon the happineſs of ſociety.

The three original principles which have operated generally to preſerve union and ſubordination in ſociety, are, the power of a ſtanding army, the fear of an external force, and the influence of religion. In deſpotic governments, under which nine tenths of the human race are included, a ſtanding army, at the command of the ſovereign, has been generally eſtabliſhed, for the purpoſe of enforcing obedience to his arbitrary edicts. It is extremely difficult, if not impoſſible, for a monarch to ſupport his authority and maintain tranquility in his dominions, for any long period, without a military force. There is ſomething in the idea of ſuch a government repugnant to the feelings of mankind; and a people muſt be totally depreſſed by ſervitude and ſtupified by ignorance, not to feel a perpetual diſpoſition to rebel. Beſides, there is ſuch an unconquerable inclination in human nature, unchecked by fear, to be ſupercilious and tyrannical, that few monarchs have ſwayed the ſceptre for a long time, without giving their ſubjects the moſt juſtifiable grounds for inſurrection.

In order therefore to ſecure the obedience of ſubjects, the terrors of religion have always been called in to aid the civil power, and in moſt countries, have been incorporated with the political inſtitutions. It has been the policy of the ſovereign to keep his ſubjects in ignorance, to teach them a blind obedience to the oracles of ſome deity, commonly fabricated or feigned by human contrivance, to impreſs their minds with the belief that their rulers and prieſts were beings of a ſuperior order, who had ſome intercourſe with their gods and had power to puniſh diſobedience with the ſevereſt judgments. All the events of the natural world, earthquakes, thunder and lightning eclipſes, ſtorms and famine, with the whole catalogue of imaginary prodigies, miracles, dreams, tricks of magic, and fabulous ſtories of demons,

have

have been converted, by power and artifice, into inſtruments of tyranny. Thus mankind have been deluded from age to age and rendered ſubſervient to the caprice, the pleaſure and the ambition of their ſovereigns.

Theſe two inſtruments of deſpotiſm, ſuperſtition and a military force, command peace and ſubordination in all the kingdoms and empires on the eaſtern continent. Some ſtates, both in antient and modern times, have been united by the fear of an external force. The ſtates of Greece were obliged to combine for their mutual ſafety againſt the Perſians; but when delivered from a foreign invaſion, they were diſtracted with civil wars. Rome was never free from faction and tumult, for a long period, unleſs ſhe was invaded or her armies were employed in foreign conqueſts. The Helvetic body was formed and is ſtill preſerved by the danger of conqueſt. Compoſed of ſeveral ſtates, differing in religion and principles of government, and inhabited by a hardy race of men, there is no reaſon to ſuppoſe that their union could be of long duration, without a dread of falling victims to the houſe of Bourbon or Auſtria.

The ſame principle united the American States and anſwered, during the period of danger, all the purpoſes of a vigourous government.

It will be obſerved that I have not mentioned the influence of a wiſe ſyſtem of laws and a regular adminiſtration, among the cauſes of peace and ſubordination. An eſtabliſhed code of laws and tribunals of juſtice may prevent the crimes of individuals and ſmall diſturbances; but ſeldom or never prevent civil diſſenſions and we know of very few inſtances where the civil magiſtrate has been able, without the aid of a military force, to ſuppreſs a popular inſurrection. On the contrary, hiſtory informs us, that thoſe nations which have enacted the wiſeſt ſyſtems of laws, and have been moſt diſtinguiſhed for liberty and knowledge, have been the moſt frequenly involved in civil wars. This effect, however, is not the natural conſequence of laws, ſcience or freedom, but the inevitable conſequence of defective conſtitutions. We ought

always

always to keep in mind the material diſtinctions between the *conſtitution*, the *laws* and the *adminiſtration* of a government. Several nations, antient and modern, furniſh us with moſt excellent ſyſtems of law; all nations of any conſequence furniſh us with the moſt illuſtrious examples of upright, judicious magiſtrates; but hiſtory has not recorded a ſingle inſtance of a *wiſe conſtitution* of civil government. Singular as this aſſertion may appear, I believe it may be clearly demonſtrated.

To prove this fact, it is not neceſſary to mention deſpotic governments; theſe being ſo evidently an inverſion of the order of ſociety and an infraction of the ſacred rights of men, that they can have few advocates in America. I will make a few remarks on thoſe forms of government that have been moſt celebrated for freedom.

Much has been ſaid of the republics of Greece, Athens and Sparta. Their freedom, their valour, their diſintereſted patriotiſm, their literature, their arts, have been the ſubjects of endleſs panegyrick. But what were their governments? Before the days Solon and Lycurgus, their laws were extremely rude and barbarous. The ſupreme power was the people at large; who, being under no reſtraint, having no ſettled form of deliberation, and being at the ſame time illiterate and credulous, were generally at the command of ſome noiſy demagogue. In ſuch a popular aſſembly, it could not be expected that juſtice or policy would always direct the ſuffrages of the people. On the contrary, their public acts of legiſlation were capricious and irregular; guided by no rules and changed by every artful harangue. They would unanimouſly adopt a meaſure one day and as unanimouſly reſcind it the next, without any change of circumſtances. They would execrate and baniſh an illuſtrious perſonage, at the inſtigation of his artful enemy, and within a month, recal and receive him, with demonſtrations of joy, without any change in his character. In the early ages of Greece, her citizens were indeed free, but their freedom was licentiouſneſs. Solon and Lycurgus are celebrated as *lawgivers*; but they ought alſo to be condemned

demned as tyrants. They framed many wiſe regulations; but they enacted cruel laws too, and impoſed them upon their countrymen with a rigour known only to arbitrary governments.

The ſame remarks will apply to the Roman ſtate. A banditti of robbers, who lived by plunder, founded the greateſt empire on earth. The firſt form of government which they eſtabliſhed, was the monarchical. On the abolition of monarchy, there aroſe a heterogeneous form of government, in which the interfering of oppoſite intereſts introduced every ſpecies of diſorder. The patricians or nobility, who were deſcendants of the antient ſenators, who formed a reſpectable council under the regal ſtate, claimed privileges diſtinct and ſuperior to the body of the people, who were denominated plebeians. Theſe two orders, conſtantly ſtruggling for prerogative and right, kept the Roman ſtate in a perpetual ferment. The plebeians were certainly right in maintaining their privileges; but as it ever happens in popular tranſactions, their phrenzy tranſported them at times beyond all bounds. The principles of the Gracchi were undoubtedly right, but they urged them too far and their noble attempts to ſave the rights of the people ended in bloodſhed. The *agrarian* law was founded on true principles of natural right; but it ſhould have been a part of the conſtitution; a different ſyſtem had prevailed and had become too firmly eſtabliſhed to be overthrown by any means but the ſword.

A ſtate where there are two diſtinct orders of men, one claiming hereditary honours and offices, can not with propriety be called a *republic*, or free government. Such a ſtate, when the rights of each order are preciſely defined and aſcertained in the conſtitution and when the privileges of a hereditary nobility, which are always encroachments on the natural rights of men, have been ſanctified by long poſſeſſion, may enjoy tolerable tranquility under a prudent adminiſtration. But it was the misfortune of the Romans to have no eſtabliſhed conſtitution. There was no fixed line of diſcrimination between the ancient

cient privileges of the Patricians and the rights of the Plebeians. Hence the inſolence of the former and the jealouſy of the latter inceſſantly embroiled the ſtate. Treaties and temporary conceſſions, with ſome attempts to compromiſe differences by a code of laws and the eſtabliſhment of new officers among the Plebeians, had ſome effect in ſuſpending the diſſenſions which from time to time diſturbed the peace of the ſtate. But no application of partial remedies can effect a radical cure in a diſordered conſtitution. Excellent laws and a wiſe magiſtracy may paliate, but can never remove the diſorders that proceed from defects in the original frame of government. The diſcord which rent the Roman ſtate, was the inevitable, the neceſſary conſequence of a conſtitutional ſeperation of intereſts; and could not ceaſe, till theſe intereſts were blended together, or the intereſt of one party was annihilated or ſilenced by ſuperior force. This laſt event took place in Rome. An ambitious general, at the head of a veteran army, which had been accuſtomed to conquer, deſtroyed the liberties of the people, in a ſingle day, on the plains of Pharſalia. The privileges of the ſenate were apparently reſpected for ſeveral hundred years; but a ſtanding army at the command of the emperor, in effect annihilated their power, and they gradually loſt both their name and exiſtence.

A ſimilar progreſs is obſervable in all thoſe ſtates which have been called *free*, and which have been compoſed of different orders of men. In Rome the conteſt was long and attended with alternate advantages. In Spain, the power and artifice of Cardinal Ximenes, prime miniſter to Charles V. put an end to to the liberties of the people, in the ſhort period of a ſingle reign. In France abſolute power made more gradual advances, but was effectually eſtabliſhed. In Sweden there have been ſeveral revolutions, and the laſt, which happened but a few years paſt, was in favour of monarchy. Denmark has been mentioned as a ſingular inſtance of a deſpotic government eſtabliſhed by the ſolemn reſolution of the people. In England there have been the moſt vi-

gorous

gourous exertions in oppoſition to the encroachments of tyranny, and thoſe exertions have been attended with the beſt ſucceſs. But in defiance of all the efforts of a brave and enlightened nation, the body of the people is reduced to a ſituation, little or nothing ſuperior to the vaſſalage of the neighbouring nations. The United Provinces, taught by fatal experience, the evils of a deſpotic government, framed on their emancipation from Spain, a conſtitution, diſtinguiſhed by the moſt extraordinary jealouſy. The ſupreme power, not being brought to a point, but remaining in ſevaral ſeperate aſſemblies, is deſtitute of all energy. Their meaſures are always ſlow and commonly ineffectual. In caſes of extreme danger, the ſtates general have been obliged to infringe the conſtitution to ſave the provinces from ruin. And after all their jealouſy, they have loſt the rights of a free people, by their own folly; and their preſent form of government is a kind of divided commercial ariſtocracy, without the benefits of a popular repreſentation or the ſecurity of an energetic adminiſtration.

The republics of Italy, if they ever enjoyed freedom, are now ariſtocracies, of the worſt kind. Several cities of Germany have obtained and ſtill preſerve very extenſive civil privileges, but their religious eſtabliſhments have depreſſed the human mind. The preſent emperor, the moſt amiable and illuſtrious prince in Europe, not even excepting the generous Louis XVIth, is unfettering his ſubjects, and many material changes are already introduced into his dominions. But the ſubjects of the princes of the empire are the moſt abject ſlaves.

The form of government in ſome of the Swiſs Cantons is ariſtocratical; in others, it is ſaid to be republican. I am not ſufficiently informed to determine in my own mind, whether the conſtitutions of any of theſe ſmall ſtates or of their allies, are founded on principles of equal liberty. From the moſt accurate accounts we have of their internal police, I believe we may venture to ſay, that ſome of theſe cantons and the city of Geneva, enjoy a greater ſhare of civil and religious liberty, than any other ſtate or kingdom on the eaſtern continent.

If theſe remarks on the ſeveral conſtitutions of civil government, ancient and modern, are allowed to be juſt, we are prepared to enumerate their general defects and the cauſes that have contributed to change their form to the monarchical or ariſtocratical, or to a mixture of both.

The great fundamental principle on which alone a free government can be founded and by which alone the freedom of a nation can be rendered permanent, is an *equal diſtribution of property*. The reverſe of this, an unequal diſtribution of lands, has been the cauſe of almoſt all the civil wars that have torn ſociety in pieces, from the infancy of the Roman republic down to the revolution in England. I here ſpeak of that unequal diviſion of property which is perpetual and to which are annexed certain hereditary offices and dignities. Commerce creates very great inequality of property; but as this inequality is revolving from perſon to perſon and entitles the poſſeſſor to no pre-eminence in legiſlation, it is not dangerous to the liberties of the reſt of the ſtate.

The firſt remarkable inſtance of the evils which flow from hereditary diſtinctions, we have exhibited in the hiſtory of Rome. This ſtate, had we no other inſtance, would be a ſufficient proof, that no freedom can be of long duration, and that no ſociety can enjoy long tranquility, where hereditary honours and ſuperiority of birth are claimed by one part of the members to the excluſion of the reſt. But the whole hiſtory of modern Europe is but a continued confirmation of this truth.

By the eſtabliſhment of *feuds* in all the territories conquered by the warlike nations of the north; that curious military ſyſtem, which diſcovers the ſpirit of thoſe barbarous tribes, and was well calculated to preſerve their conqueſts; by the eſtabliſhment of this ſyſtem throughout Europe, the wretched inhabitants were chained in perpetual vaſſalage, from which neither power nor policy has been able to deliver a ſingle ſtate. The governments that were erected upon this ſyſtem, were of the mixed kind; the monarchical and the ariſtocratical. The Ba-

rons,

rons, who were lords of the ſoil, and could command the ſervice of their tenants when they pleaſed, were originally the poſſeſſors of all the civil power. But it was the policy and the ambition of their kings to abridge their power and humble their pride. This could not be effected but by enlarging the privileges of the people and thus attaching them to the crown. In this manner and by the edge of the ſword, the enormous power of the nobility was much circumſcribed in every European kingdom, except Poland; and in moſt of them the people obtained a ſhare in legiſlation. In England, the people, ſword in hand, obtained from king Stephen and the Barons, magna charta the great baſis of all the freedom that was ever enjoyed in that kingdom. Their ſubſequent ſtruggles were attended with much violence, but generally terminated in the acquiſition of new privileges.

We have ſeen in what manner the people in all the kingdoms of Europe, have been diveſted of their legiſlative privileges. In England alone the people ſtill poſſeſs a ſhadow of legiſlative importance. But how is the nation repreſented in parliament? Engliſhmen themſelves anſwer this queſtion. A few thouſands of the dregs of the people, whoſe votes are ſold to the higheſt bidder, elect the members of that ſupreme council of the nation. In ſome boroughs, ſeven or eight electors chooſe two members, and in London ſeven thouſand electors chooſe but four repreſentatives. With ſuch unequal repreſentation, no nation can enjoy real liberty, whatever may be their pretentions. But this is not the greateſt evil. One part of the legiſlature conſiſts of lords ſpiritual and temporal, who ſit in the houſe of peers by birth, by title, or by office. This branch of the legiſlature can negative any bill propoſed by the commons. Where then is the ſupreme power of the people? Not to mention the abſurdity of blending the civil and the eccleſiaſtical powers; two diſtinct orders that ought never to be combined.

To complete this *glorious free conſtitution*, a ſingle perſon,

ſon, cloathed with royality indeed, but neither wiſer nor better for his dignity, has full power to negative every act of parliament and diſappoint all the meaſures of national wiſdom.

Whenever a man or body of men eſtabliſh to themſelves a ſhare in government, independent of the people, and when they are no longer reſponſible for their conduct, a ſtate may bid adieu to its freedom. This was the caſe with almoſt all the ſtates of Europe. The Cortes of Spain, the parliaments of England and France, the ſtates of Denmark and Sweden, were all compoſed of different orders of men who claimed diſtinct privileges. The king, the nobility, the clergy, the burghers and the peaſants formed a motley legiſlature. The principles, the manners, the intereſts and the feelings of theſe orders were ſo diſcordant, that it was utterly impoſſible for them to act in concert, without frequent conceſſions on one ſide and the other, which muſt injure their rights or wound their pride. The prerogatives of a king, the inſolence of a baron or the bigotry of an eccleſiaſtic, have ſet whole nations butchering each other. Let a man read the hiſtory of the civil wars in France, the conteſt between the houſes of York and Lancaſter, and the uſurpation of Cromwell in England, and theſe alone will make him execrate the people who ever created or tolerated any diſtinction but that of merit, or that which is created or annihilated by their own voluntary choice.

Another moſt capital defect in all the pretended free governments of Europe, is the eſtabliſhment or preference, given to ſome religious perſuaſion. Next to the feudal ſyſtem, the eſtabliſhment of religions has done the moſt miſchief of any event or inſtitution on earth. Both theſe ſyſtems were united in the dark ages of Europe, and the terrors of ſuperſtition were added to the ſword of the civil magiſtrate, to depreſs the mind and bind the human race in extreme ſervitude.

I ſhall not mention the particular defects that are to be found in various conſtitutions of civil government. An unequal diſtribution of property, the perpetuity of eſtates

eſtates, hereditary diſtinctions and offices, with religious eſtabliſhments, are alone ſufficient to deſtroy the liberties of a ſtate and ſupport any ſyſtem of domination however abſurd or oppreſſive. One or all of theſe evils are interwoven into every government in Europe, unleſs ſome of the cantons of Switzerland, or ſome ſmall cities ſhould be exceptions.

The reaſon why ſuch abſurd ſyſtems ſhould ever have prevailed is doubtleſs this: The baſis of every conſtitution of civil government on the eaſtern continent, was laid by barbarians, in whom the military ſpirit was predominant. The feudal ſyſtem, a moſt excellent inſtitution among ſavages who have neither money nor ſtanding forces, but ſubverſive of all the rights of civil ſociety, was introduced into the ſouthern provinces of Europe, by thoſe martial tribes who overwhelmed the Roman empire. This diſtribution of property, and the papal ſyſtem of eccleſiaſtical tyranny, held Europe for ſeveral centeries in ſlavery and barbariſm. Upon the revival of literature and the arts, the moſt violent efforts were made in every part of Europe to ſhake off the yoke. Theſe efforts were productive of every ſpecies of calamity to mankind—civil wars, treachery and aſſaſſination; but they generally terminated in ſome acquiſitions favourable to civil and eccleſiaſtical liberty. The power of a haughty nobility was abridged; the prerogatives of kings were aſcertained; oppreſſive military tenures were aboliſhed, and in their place were ſubſtituted rents that were certain and fixed by contract; while in ſome kingdoms the peaſants obtained a ſhare in legiſlation.

But however the rigours of the military ſervices have been mitigated and ſome valuable religious rights have been acquired; ſtill the effects of the feudal and papal ſyſtems are viſible in all the European countries. It was impoſſible that ſuch abſurd and abuſive ſyſtems could remain unattacked in the ages of intellectual improvement; but it is extremely difficult, if not impoſſible, to overthrow conſtitutions, generally eſtabliſhed and grown venerable by time. All that Europeans can do, is to introduce

introduce gradual alterations, and from time to time make ſuch amendments as circumſtances will permit, and the rights of mankind require. But the rights of primogeniture, hereditary rights of legiſlation, and ſyſtems of religion eſtabliſhed by law, thoſe inſtitutions and cuſtoms that infringe all the ſacred rights of mankind, and reproach human nature, are perhaps become too cloſely connected with the peace of ſociety, to be aboliſhed, either by a ſingle ſtroke of power, or the gradual improvements of policy.

From the foregoing conſiderations, we may deduce with certainty this concluſion, that no ſociety of men has ever been in a ſituation to form a perfect or even an excellent ſyſtem of civil polity. All the governments of Europe, Aſia and Africa have been planned by rude uncivilized nations. Edifices built by ſuch unſkilful hands muſt be imperfect and uncouth. Modern architects may ſupply a pillar, cover a defect or add ornaments to ſuch an edifice; but they can neither render it convenient nor elegant, without raſing the whole ſtructure to the foundation.

From the foregoing remarks, we may likewiſe learn the propriety of diſtinguiſhing between the *laws* and the *conſtitution* of a ſtate. Engliſhmen ſeem to overlook this diſtinction and laviſh thoſe praiſes on their *glorious free conſtitution*, which are due to an excellent code of *laws*. That the Engliſh conſtitution is preferrable to that of Poland or of Spain, will not be diſputed; but the ſubjects of ſeveral monarchies on the continent, are happier, under a wiſe prince, than Engliſhmen have generally been with all their freedom. But thoſe defects which I have repeatedly mentioned in the courſe of theſe obſervations, which were introduced into England by its conquerors, are ſo interwoven into government, that they are gradually undermining and will eventually deſtroy all the liberty that remains in that kingdom. Commerce, which is the ſupport of liberty, will protract the period of deſpotiſm; but corruption and the power of ſome ambitious prince will ſome time or other put an end even

to

to their pretended privileges. Wiſe laws and an upright adminiſtration may correct temporary and accidental evils; but can never reform a fundamental error, as an anodyne will alleviate the pains of a diſeaſe; but will not effect a radical cure.

Thus the inhabitants of the eaſtern continent are moſtly chained in vaſſalage—without knowledge, without freedom and without hope of relief.

American States.

THE theory of civil government and the general deſcription of the kingdoms and ſtates in Europe and Aſia, which have been exhibited in the preceding pages, are deſigned as introductory to ſome remarks on the American ſtates.

A tolerable acquaintance with hiſtory and a ſmall knowledge of the Engliſh ſettlements on this continent, teach us that the ſituation of theſe ſtates, is, in every point of view, the reverſe of what has been the infant ſituation of all other nations.

In the firſt place, our conſtitutions of civil government have been framed in the moſt enlightened period of the world. All other ſyſtems of civil polity have been begun in the rude times of ignorance and ſavage ferocity; fabricated at the voice of neceſſity, without ſcience and without experience. America, juſt beginning to exiſt in an advanced period of human improvement, has the ſcience and the experience of all nations to direct her in forming plans of government. By this advantage ſhe is enabled to ſupply the defects and avoid the errors incident to the policy of uncivilized nations; and to lay a broad baſis for the perfection of human ſociety. The legiſlators of the American ſtates are neither ſwayed by a blind veneration for an independent clergy, nor

nor awed by the frowns of a tyrant. Their civil policy is or ought to be the reſult of the collected wiſdom of all nations, and their religion, that of the Saviour of mankind. If they do not eſtabliſh and perpetuate the beſt ſyſtems of government on earth, it will be their own fault, for nature has given them every advantage they could deſire.

In the next place, an equal diſtribution of landed property, is a ſingular advantage, as being the foundation of republican governments and the ſecurity of freedom*. The New-England ſtates are peculiarly happy in this reſpect. Lands deſcend equally to all the heirs of the deceaſed poſſeſſor and perpetuities are entirely barred. In Connecticut the eldeſt male heir inherits two ſhares; this is a relique of ancient prejudices in favour of

* Several writers on government and particularly the great Monteſquieu, maintain that *virtue* is the foundation of republics. If, by virtue, is meant *patriotiſm*, or diſintereſted public ſpirit, and love of one's country, as is probably the caſe; with the utmoſt reſpect for ſuch authorities, I muſt deny that ſuch a general principle ever did or ever can exiſt in human ſociety. Local attachments exiſt under every ſpecies of government. They are as ſtrong in monarchies as in republics. *Honour*, which is ſaid to be the principle of monarchical governments, is often as powerful a motive in republics. The real principle that is predominat in every individual and directs all his actions, is ſelf-intereſt. This operates differently and takes different names, under different forms of government. In a democracy, where offices and preferment are at the diſpoſal of the people, an ambitious man muſt court the people, by his condeſcention, by public acts of beneficence, and by pretentions to public good. In order to retain any emoluments, which he holds by the choice of the people, his conduct muſt be agreeable to them, and apparently, if not really for their intereſts. This conduct ſprings from ſelf-love, but takes the name of *virtue* or *public ſpirit*. In a monarchy, where the ſovereign diſpoſes of poſts of honour and profit, and where diſtinction of rank takes place, a candidate takes a different method to procure favour. He profeſſes the moſt unſhaken loyalty, and a firm attachment to the perſon of his ſovereign; he aſſumes an air of dignity and ſhapes his conduct to the humour of the court. This is the ſame ſelfiſh principle, aiming at the ſame object; but operating in a different manner, it is denominated *honour*. But the exiſtence, of any form of government does not depend on any principle of action, however modified, or by whatever name diſtinguiſhed.

of the rights of primogeniture, which the wiſdom of ſucceeding legiſlatures will undoubtedly aboliſh. An act paſſed the legiſlature of New-York, a few years paſt, deſtroying and barring entailments and ordering that all inteſtate eſtates ſhould deſcend to all the heirs in equal portions. No act was ever better timed or calculated to produce more ſalutary effects. The ſtates of Pennſylvania and North-Carolina have made it an article in their Conſtitutions, that no eſtates ſhall be perpetual. I am not ſufficiently acquainted with the conſtitutions of the other ſtates, to inform whether perpetuities are barred or not; but they may be avoided by a *common recovery*, a fiction often practiſed in the Engliſh courts of law.

But although the ſouthern ſtates poſſeſs too much of the ariſtocratic genius of European governments, yet it is probable that their future tendency will be towards republicaniſm. For if the African ſlave-trade is prohibited, it muſt gradually diminiſh the large eſtates which are entirely cultivated by ſlaves; as theſe will probably decreaſe without recruits from Africa. And it is not probable that their place can be ſupplied by white people, ſo long as vaſt tracts of valuable land are uncultivated; and poor people can purchaſe the fee of the ſoil.

But ſhould the preſent poſſeſſors of lands continue to hold and cultivate them, ſtill their is a new ſett of men ſpringing up in the back parts of thoſe ſtates; more hardy and independent than the peaſants of the low countries; and more averſe to ariſtocracy. The unhealthineſs of the climate in the flat lands, is a circumſtance that will contribute to the rapid population of the mountains where the air is more ſalubrious.

The idea therefore that the genius of the ſouthern ſtates is verging towards republicaniſm, appears to the ſupported by ſubſtantial reaſons. It is much to be wiſhed that ſuch an idea might be well grounded, for nature knows no diſtinctions, and government ought to know none, but ſuch as are merited by perſonal vertues.

The confiſcation of many large eſtates in every part of the union, is another circumſtance favourable to an

equal diſtribution of property. The local ſituation of all the ſtates and the genius of the inhabitants in moſt of them, tend to deſtroy all the ariſtocratic ideas which were introduced from our parent country.

Neceſſarily connected with an equal diſtribution of landed property, is the annihilation of all hereditary diſtinctions of rank. Such diſtinctions are inconſiſtent with the nature of popular governments. Whatever pretentions ſome ſtates have made to the name of *republics*; yet thoſe that have permitted perpetual diſtinctions of property, and hereditary titles of honour with a right of legiſlation annexed, certainly never deſerved the name of popular governments; and they have never been able to preſerve their freedom. Wherever two or more orders of men have been eſtabliſhed with hereditary privileges of rank, they have always quarrelled till the power or intrigues of the ſuperior orders, have diveſted the people of all their civil liberties. In ſome countries they retain a ſhow of freedom, ſufficient to amuſe them into obedience; but in moſt ſtates, they have loſt even the appearance of civil rights.

Congreſs, aware of the tendency of an unequal diviſion of property and the evils of an ariſtocracy or a mixed form of government, have inſerted a clauſe in the articles of confederation, forever barring all titles of nobility in the American ſtates; a precaution evincive equally of the foreſight, the integrity and the republican principles of that auguſt body*.

Another

* The jealouſy even of the ſouthern ſtates in regard to the eſtabliſhment of rank and hereditary titles, was remarkable in the oppoſition which appeared againſt the Cincinnati. The original deſign of that ſociety, was not only harmleſs, but extremely laudable. It was a monument raiſed to the memory of an army which defended the nobleſt cauſe ever undertaken by man. But perhaps the plan involved in it conſequences which were not apprehended by the gentlemen who formed it. There is however ſome difficulty in conceiving how a mere title, without property and legiſlative rights, could endanger our liberties. Evil conſequences might reſult from ſuch a ſociety; but they muſt be extremely remote. It muſt require the continued efforts of ſeveral generations to accumulate a dangerous degree of power in a ſociety, conſiſting of few members, who would be ſcattered throughout the continent.

Another circumſtance, favourable to liberty and peculiar to America, is a moſt liberal plan of eccleſiaſtical policy. Dr. Price has anticipated moſt of my obſervations on this head. If ſound ſenſe is to be found on earth, it is in his reaſoning on this ſubject. The American conſtitutions are the moſt liberal in this particular of any on earth; and yet ſome of them have retained ſome badges of bigotry. A profeſſion of the chriſtian religion is neceſſary in the ſtates, to entitle a man to office. In ſome ſtates, it is requiſite to ſubſcribe certain articles of faith. Theſe requiſitions are the effect of the ſame abominable prejudices, that have enſlaved the human mind in all countries; which alone have ſupported error and all abſurdities in religion. If there are any human means of promoting a millenial ſtate of ſociety, the only means are a general diffuſion of knowledge and a free unlimited indulgence given to religious perſuaſions, without diſtinction and without preference. When this event takes place, and I believe it certainly will, the *beſt* religion will have the moſt advocates. Nothing checks the progreſs of truth like human eſtabliſhments. Chriſtianity ſpread with rapidity, before the temporal powers interfered; but when the civil magiſtrate undertook to guard the truth from error, its progreſs was obſtructed, the ſimplicity of the goſpel was corrupted with human inventions, and the efforts of Chriſtendom have not yet been able to bring it back to its primitive purity.

The American ſtates have gone far in aſſiſting the progreſs of truth; but they have ſtopped ſhort of perfection. They ought to have given every honeſt citizen an equal right to enjoy his religion and an equal title to all civil emoluments, without obliging him to tell his religion. Every interference of the civil power in regulating opinion, is an impious attempt to take the buſineſs of the Deity out of his own hands; and every preference given to any religious denomination, is ſo far ſlavery and bigotry. This is a blemiſh in our conſtitutions, reproachful in proportion to the light and knowledge of our legiſlators.

The

The general education of youth is an article in which the American ſtates are ſuperior to all nations. In Great Britain the arts and ſciences are cultivated to perfection; but the inſtruction of the loweſt claſſes of people is by no means equal to the American yeomanry. The inſtitution of ſchools, particularly in the New-England ſtates, where the pooreſt children are inſtructed in reading, writing and arithmetic, at the public expence, is a noble regulation, calculated to dignify the human ſpecies.

This inſtitution is the neceſſary conſequence of the genius of our governments; at the ſame time, it forms the firmeſt ſecurity of our liberties. It is ſcarcely poſſible to reduce an enlightened people to civil or eccleſiaſtical tyranny. Deprive them of knowledge, and they ſink almoſt inſenſibly in vaſalage. Ignorance cramps the powers of the mind, at the ſame time that it blinds men to all their natural rights. Knowledge enlarges the underſtanding, and at the ſame time, it gives a ſpring to all the intellectual faculties, which direct the deliberations of the cabinet and the enterprizes of the field. A general diffuſion of ſcience is our beſt guard againſt the approaches of corruption, the prevalence of religious error, the intrigues of ambition and againſt the open aſſaults of external foes.

In the ſouthern ſtates education is not ſo general*. Gentlemen of fortune give their children a moſt liberal education; and no part of America produces greater lawyers, ſtateſmen and divines; but the body of the people are indifferently educated. In New-England, it is rare

* An officer of the New-York line, in the late war, who had an opportinity to be particularly acquainted with the New-England troops, has told me repeatedly, that he found the non-commiſſioned officers in the Connecticut line, better educated than the commiſſioned officers of the New-York troops. An officer in a Pennſylvania regiment, informed me that he found many officers of the line on their eſtabliſhment, who could not make out the regimental returns. The flouriſhing ſtate of South-Coralina never had an academy till within a few months paſt. I cannot learn that North-Carolina has yet any kind of college or academy. A few gentlemen ſend their ſons to Europe for an education.

rare to find a perſon who can not read and write; but if I am rightly informed, the caſe is different in the ſouthern ſtates. The education, however, of the common people in every part of America, is equal to that of any nation; and the ſouthern ſtates, where ſchools have been much neglected, are giving more encouragement to literature.

It is not my deſign to enumerate all the political and commercial advantages of this country; but only to mention ſome of the characteriſtic circumſtances which diſtinguiſh America from all the kingdoms and ſtates of which we have any knowledge.

One further remark however, which I cannot omit, is that the people in America are neceſſitated, by their local ſituation, to be more ſenſible and diſcerning, than nations which are limited in territory and confined to the arts of manufacture. In a populous country, where arts are carried to great perfection, the mechanics are obliged to labour conſtantly upon a ſingle article. Every art has its ſeveral branches, one of which employs a man all his life. A man who makes heads of pins or ſprings of watches, ſpends his days in that manufacture and never looks beyond it. This manner of fabricating things for the uſe and convenience of life is the means of perfecting the arts; but it cramps the human mind, by confining all its faculties to a point. In countries thinly inhabited, or where people live principally by agriculture, as in America, every man is in ſome meaſure an artiſt—he makes a variety of utenſils, rough indeed, but ſuch as will anſwer his purpoſe—he is a huſbandman in ſummer and a mechanic in winter—he travels about the country—he converſes with a variety of profeſſions—he reads public papers—he has acceſs to a pariſh library and thus becomes acquainted with hiſtory and politics, and every man in New-England is a theologian. This will always be the caſe in America, ſo long as their is a vaſt tract of fertile land to be cultivated, which will occaſion emigrations from the ſtates already ſettled. Knowledge is diffuſed and genius rouſed by the very ſituation of America.

Plan

Plan of Policy for improving the Advantages and perpetuating the Union of the American States.

I HAVE already mentioned three principles which have generally operated in combining the members of ſociety under ſome ſupreme power; a ſtanding army, religion and fear of an external force. A ſtanding army is neceſſary in all deſpotic governments. Religion, by which I mean ſuperſtition, or human ſyſtems of abſurdity, is an engine uſed in almoſt all governments, and has a powerful effect where people are kept in ignorance. The fear of conqueſt is an infallible bond of union where ſtates are ſurrounded by martial enemies. After people have been long accuſtomed to obey, whatever be the firſt motive of their obedience, there is formed a habit of ſubordination, which has an almoſt irreſiſtible influence, and which will preſerve the tranquillity of government, even when coercion or the firſt principle of obedience has ceaſed to operate.

None of the foregoing principles can be the bond of union among the American ſtates. A ſtanding army will probably never exiſt in America. It is the inſtrument of tyranny and ought to be forever baniſhed from free governments. Religion will have little or no influence in preſerving the union of the ſtates. The chriſtian religion is calculated to cheriſh a ſpirit of peace and harmony in ſociety; but will not balance the influence of jarring intereſts in different governments. As to neighbouring foes, we have none to fear; and European nations are too wiſe or have too much buſineſs at home, to think of conquering theſe ſtates.

We muſt therefore ſearch for new principles in modelling our political ſyſtem. The American conſtitutions are founded on principles different from thoſe of all nations, and we muſt find new bonds of union to perpetuate the confederation.

In

In the firſt place, there muſt be a ſupreme power at the head of the union, veſted with authority to make laws that reſpect the ſtates in general and to compel obedience to thoſe laws. Such a power muſt exiſt in every ſociety or no man is ſafe.

In order to underſtand the nature of ſuch a power, we muſt recur to the principles explained under the firſt head of theſe obſervations.

All power is veſted in the people. That this is their natural and unalienable right, is a poſition that will not be diſputed. The only queſtion is, how this power ſhall be exerted to effect the ends of government. If the people retain the power of executing laws, we have ſeen how this diviſion will deſtroy all its effect. Let us apply the definition of a perfect ſyſtem of government to the American ſtates. "The right of making laws for the United Sates, ſhould be veſted in all their inhabitants by legal and equal repreſentation, and the right of executing thoſe laws, committed to the ſmalleſt poſſible number of magiſtrates, choſen annually by Congreſs and reſponſible to them for their adminiſtration." Such a ſyſtem of continental government is perfect—it is practicable—and may be rendered permanent. I will even venture to aſſert that ſuch a ſyſtem may have, in legiſlation, all the ſecurity of republican circumſpection; and in adminiſtration, all the energy and deciſion of a monarchy.

But muſt the powers of Congreſs be increaſed? This queſtion implies groſs ignorance of the nature of government. The queſtion ought to be, muſt the American ſtates be united? And if this queſtion is decided in the affirmitive, the next queſtion is, whether the ſtates can be ſaid to be united, without a legiſlative head? or in other words, whether thirteen ſtates can be ſaid to be united in government, when each ſtate reſerves to itſelf the ſole powers of legiſlation? The anſwer to all ſuch queſtions is extremely eaſy. If the ſtates propoſe to form and preſerve a confederacy, there muſt be a ſupreme head, in which the power of all the ſtates is united.

There

There muſt be a ſupreme head, clothed with the ſame power to make and enforce laws, reſpecting the general policy of all the ſtates, as the legiſlatures of the reſpective ſtates have to make laws binding on thoſe ſtates, reſpecting their own internal police. The truth of this is taught by the principles of government, and confirmed by the experience of America. Without ſuch a head, the ſtates cannot be *united*; and all attempts to conduct the meaſures of the continent, will prove but governmental farces. So long as any individual ſtate has power to defeat the meaſures of the other twelve, our pretended union is but a name, and our confederation, a cobweb.

What, it will be aſked, muſt the ſtates relinquiſh their ſovereignty and independence, and give Congreſs their rights of legiſlation? I beg to know what we mean by *United States?* If after Congreſs have paſſed a reſolution of a general tenor, the ſtates are ſtill at liberty to comply or refuſe, I muſt inſiſt that they are not *united*; they are as *ſeperate*, as they ever were; and Congreſs is merely an adviſory body. If people imagine that Congreſs ought to be merely a council of advice, they will ſome time or other diſcover their moſt egregious miſtake. If three millions of people, united under thirteen different heads, are to be governed or brought to act in concert by a *Reſolve, That it be recommended*, I confeſs myſelf a ſtranger to hiſtory and to human nature*. The very idea of uniting diſcordant intereſts and reſtraining the ſelfiſh and the wicked principles of men, by adviſory reſolutions, is too abſurd to have advocates even among illiterate peaſants. The reſolves of Congreſs are always treated with reſpect, and during the late war, they were efficacious. But their efficacy proceeded from a principle of common ſafety which united the intereſts of all the ſtates; but peace has removed that principle, and the ſtates comply with or refuſe the requiſitions of Congreſs, juſt as they pleaſe.

The

* If the ſtates cannot be brought to act in concert now, how can it be done when the number of the ſtates is augmented and the inhabitants multiplied to many milions?

The idea of each ſtate preſerving its ſovereignty and independence in their full latitude, and yet holding up the appearance of a confederacy and a concert of meaſures, is a ſoleciſm in politics that will ſooner or later diſſolve the pretended union, or work other miſchiefs ſufficient to bear conviction to every mind.

But what ſhall be done? what ſyſtem of government ſhall be framed, to guard our rights, to cement our union, and give energy to public meaſures? The anſwers to theſe queſtions are obvious and a plan of confederacy, extremely eaſy. Let the government of the United States be formed upon the general plan of government in each of the ſeveral ſtates. Let us examine the conſtitution of Connecticut.

The inhabitants of Connecticut form one body politic, under the name of the *Governor and Company of the State of Connecticut*. The whole body of freemen, in their collective capacity, is the ſupreme power of the ſtate. By conſent and firm compact or conſtitution, this ſupreme power is delegated to repreſentatives, choſen in a legal manner and duly qualified. Theſe repreſentatives properly aſſembled, make laws, binding on the whole ſtate; that is, the ſupreme power or ſtate makes laws binding on itſelf. The ſupreme power and the ſubjects of that ſupreme power are the ſame body of men. As a collective body, the citizens are all an individual; as ſeperate individuals, they are ſubjects as numerous as the citizens.

When laws are enacted they are of a general tenor; they reſpect the whole ſtate and cannot be abrogated but by the whole ſtate. But the whole ſtate does not attempt to execute the laws. The ſtate elects a governor or ſupreme magiſtrate and cloaths him with the power of the whole ſtate to enforce the laws. Under him a number of ſubordinate magiſtrates, ſuch as judges of courts, juſtices of the peace, ſheriffs, &c. are appointed to adminiſter the laws in their reſpective departments. Theſe are commiſſioned by the governor or ſupreme magiſtrate. Thus the whole power of the ſtate is brought to a ſingle point—it is united in one perſon.

If the repreſentation of the freemen is equal, and the elections frequent; if the magiſtrates are conſtitutionally choſen and reſponſible for their adminiſtration, ſuch a government is of all others the moſt free and ſafe*. The form is the moſt perfect on earth. While bills are depending before the ſupreme power, every citizen has a right to oppoſe them. A perfect freedom of debate is eſſential to a free government. But when a bill has been formally debated and is enacted into a law, it is the act of the whole ſtate, and no individual has a right to reſiſt it†.

But, as it has been before obſerved, the acts of the ſupreme power muſt be general, it has therefore by a general law delegated full authority to certain inferior corporations to make by-laws for the convenience of ſmall diſtricts and not repugnant to the laws of the ſtate. Thus every town in Connecticut is a ſupreme power for certain purpoſes and the cities are inveſted with extenſive privileges. Theſe corporations, for certain purpoſes, are independent of the legiſlature; they make laws, appoint officers and exerciſe juriſdiction within their own limits. As bodies politic, they are ſovereign and independent—as members of a large community, they are mere ſubjects. In the ſame manner, the head of a family, is ſovereign in his domeſtic œconomy, but as a part of the ſtate, he is a ſubject. Let

* People, in the choice of rulers, are too apt to be deceived by an inſinuating addreſs and a ſpecious ſhow of popular virtues. I pretend not to lay down rules for other people; but for my own part, I will never give my vote to a man who courts my favour. I always ſuſpect that ſuch a man will be the firſt to betray me. Nor will I give my vote to men, merely becauſe they *have been* in office and it will hurt their feelings to be neglected. Such motives appear to me to diſcover weakneſs and a diſregard to the true principles of government. I endeavour to give my votes to men, in whoſe integrity and abilities I can repoſe confidence—men, who will not diſpenſe with law and regid juſtice, to favour a friend or ſecure their own popularity. When I hear people talk of elevating a man to an office, becauſe he comes *next in courſe*, and *he will do well enough*, I ſuſpect they have forgot that they are freemen, and have loſt their oaths or their conſciences.

† To be the act of the whole ſtate, an act ſhould, ſtrictly ſpeaking, be aſſented to by every member; but this is often impoſſible; the act of the majority is therefore the moſt perfect and only practicable method of legiſlation.

Let a ſimilar ſyſtem of government be extended to the United States. As towns and cities are, as to their ſmall matters, ſovereign and independent, and as to their general concerns, mere ſubjects of the ſtate; ſo let the ſeveral ſtates, as to their own police, be ſovereign and independent, but as to the common concerns of all, let them be mere ſubjects of the federal head. If the neceſſity of a union is admitted, ſuch a ſyſtem is the only means of effecting it. However independent each ſtate may be and ought to be in things that relate to itſelf merely, yet as a part of a greater body, it muſt be a ſubject of that body, in matters that relate to the whole.

A ſyſtem of continental government, thus organized, may eſtabliſh and perpetuate the confederation, without infringing the rights of any particular ſtate*. But the power of all the ſtates muſt be reduced to a narrow compaſs—it muſt center in a ſingle body of men—and it muſt not be liable to be controled or defeated by an individual ſtate. The ſtates aſſembled in Congreſs, muſt have the ſame compulſory power in matters that concern the whole, as a man has in his own family, as a city has within the limits of the corporation, and as the legiſlature of a ſtate has in the limits of that ſtate, reſpecting matters that fall within their ſeveral juriſdictions.

I beg to know how otherwiſe the ſtates will be governed as a collective body? Every man knows by his own experience that even families are not to be kept in ſubordination by recommendations and advice. How much leſs then will ſuch flimſy things command the obedience of a whole continent? They will not—they do not. A ſingle ſtate, by non-compliance with reſolves of Congreſs, has repeatedly defeated the moſt ſalutary

* Such a form of Government reſembles the harmony of nature in the planetary ſyſtem. The moon is an inferior planet ſubject to the earth. The earth and other planets govern their ſecondary planets and at the ſame time, are governed by the ſun, the common center of our ſyſtem: And it is highly probable that the ſun may be a planet, governed by ſome other great central body or power. A gradation, ſimilar to this, is obvious in the animal world.

ſalutary meaſures of the ſtates, propoſed by Congreſs and and acceded to by twelve out of thirteen†.

I will ſuppoſe for the preſent that a meaſure, recommended by Congreſs and adopted by a majority of the legiſlatures, ſhould be really repugnant to the intereſt of a ſingle ſtate, conſidered in its ſeperate capacity. Would it be right for that ſtate to oppoſe it? While the meaſure is in agitation it is the undoubted privilege of every ſtate to oppoſe it by every argument. But when it is paſſed by the concurrence of a legal majority, it is the duty of every ſtate to acquieſce.—So far from reſiſting the meaſure, thoſe very individuals, who oppoſed it in debate, ought to ſupport it in execution‡. The reaſon is very plain—ſociety and government can be ſupported on no other principles. The intereſt of individuals muſt always give place to the intereſt of the whole community. This principle of government is not perfect, but it is as perfect as any principle that can be carried into effect on this ſide heaven.

It is for the intereſt of the American ſtates, either to be united or not. If their union is unneceſſary, let Congreſs be annihiliated, or let them be denominated *a council of advice* and conſidered as ſuch. They muſt then be ſtripped of their power of making peace and war, and of a variety

† The manner in which the impoſt of five per cent. has been prevented by the ſtate of Rhode-Iſland is well known. It is a diſgrace to any government on earth. That ſtate has a local intereſt in not complying with the meaſure. A ſtate in poſt brings money into their treaſury, but as that ſtate imports more than it conſumes, the duty on goods not conſumed there, is clear gain. Thus a ſtate by its local ſituation is enabled to pay its debts and ſupport government with money collected in the neighbouring ſtates. If ſuch a ſelfiſh ſyſtem is ſuffered to prevail, let us deſolve the confederation, and let every ſtate make the moſt of its ſtrength and advantages by filching from it neighbours. In ſuch a game Rhode-Iſland will loſe.

‡ A delegate from Connecticut, who was in Congreſs when the half-pay reſolution was debated, reſolutely oppoſed the meaſure. But when it had legally paſſed by a majority of voices, he acquieſced, and has ever defended the meaſure; even at the hazard of his reputation. If there is any characteriſtic of an honeſt man and a good ſubject, it is ſuch a line of conduct.

variety of prerogatives given them by the articles of confederation. In this caſe we ourſelves and the ſtates of Europe, ſhould know what kind of a being Congreſs is —what dependence can be placed on their reſolves— what is the nature of the treaties which they have made and the debts they have contracted.

But if the ſtates are all ſerious in a deſign to eſtabliſh a permanent *union*, let their ſincerity, be evinced by their public conduct,

Suppoſe the legiſlature of Rhode-Iſland had no power to compel obedience to its laws, but any town in that ſtate had power to defeat every public meaſure. Could any laws be rendered effectual? Could it with propriety be called a ſtate? Could it be ſaid that there was any ſupreme power, or any government? certainly not. Suppoſe the ſmalleſt town in Connecticut had power to defeat the moſt ſalutary meaſures of the ſtate; would not every other town riſe in arms againſt any attempt to exert ſuch a power? They certainly would. The truth of the caſe is, where the power of a people is not united in ſome individual, or ſmall body of individuals, but continues divided among the members of a ſociety, that power is nothing at all. This fact is clearly proved under the firſt head of theſe obſervations, and more clearly felt by our fatal experience.

The American ſtates, as to their general internal police, are *not united*; there is no ſupreme power at their head; they are in a perfect ſtate of nature and independence as to each other; each is at liberty to fight its neighbour, and there is no ſovereign to call forth the power of the continent to quell the diſpute or puniſh the agreſſor†. It is not in the power of the Congreſs—they have no command over the militia of the ſtates—each ſtate commands its own, and ſhould any one be diſpoſed for

† Congreſs ordered a number of troops to be raiſed for taking poſſeſſion of the frontier poſts and defending them from the ſavages. A year has elapſed ſince this order and the troops are now moſtly at home. The enemy ſtill hold our forts, poſſeſs the furr trade and ravage our new ſettlements. Such weakneſs in government is infamy.

for civil war, the ſword muſt ſettle the conteſt and the weakeſt be ſacrificed to the ſtrongeſt.

It is now in the power of the ſtates to form a continental government, as efficacious as the interior government of any particular ſtate.

The general concerns of the continent may be reduced to a few heads; but in all the affairs that reſpect the whole, Congreſs muſt have the ſame power to enact laws and compel obedience throughout the continent, as the legiſlatures of the ſeveral ſtates have in their reſpective juriſdictions. If Congreſs have any power, they muſt have the whole power of the continent. Such a power would not abridge the ſovereignty of each ſtate in any article relating to its own government. The internal police of each ſtate would be ſtill under the ſole ſuperintendance of its legiſlature. But in a matter that equally reſpects all the ſtates, no individual ſtate has more than a thirteenth part of the legiſlative authority, and conſequently has no right to decide what meaſure ſhall or ſhall not take place on the continent. A majority of the ſtates *muſt* decide†; our confederation cannot be permanent, unleſs founded on that principle; nay more, the ſtates cannot be ſaid to be *united*, till ſuch a principle is adopted in its utmoſt latitude. If a ſingle town or precinct could counteract the will of a whole ſtate, would there be any government in that ſtate? It is an eſtabliſhed principle in government, that the will of the minority muſt ſubmit to that of the majority; and a ſingle ſtate or a minority of ſtates, ought to be diſabled to reſiſt the will of the majority, as much as a town or county in any ſtate is diſabled to prevent the execution of a ſtatute law of the legiſlature.

It is on this principle and *this alone*, that a free ſtate can be governed; it is on this principle alone that the American ſtates can exiſt as a confederacy of republics. Either the ſeveral ſtates muſt continue ſeperate, totally independent

† Congreſs have been more careful of our liberties; for the articles of confederation ordain, that, in matters of great national concern, the concurrence, not of *ſeven* ſtates, a mere majority, but of *nine* ſhould be requiſite to paſs a reſolution.

independent of each other, and liable to all the evils of jealouſy, diſpute and civil diſſention—nay, liable to a civil war upon any claſhing of intereſts; or they muſt conſtitute a general head, compoſed of repreſentatives from all the ſtates, and veſted with the power of the whole continent to enforce their deciſions. There is no other alternative. One of theſe events muſt inevitably take place, and the revolution of a few years will verify the prediction.

I know the objections that have been urged by the ſupporters of faction and perhaps by ſome honeſt men, againſt ſuch a power at the head of the ſtates. But the objections all ariſe from falſe notions of government or from a wilful deſign to embroil the ſtates. Many people, I doubt not, really ſuppoſe that ſuch power in Congreſs, would be dangerous to the liberties of the ſtates. Such ought to be enlightened.

There are two fundamental errors, very common in the reaſonings which I have heard on the powers of Congreſs. The firſt ariſes from the idea that our American conſtitutions are founded on principles ſimilar to thoſe of the European governments which have been called *free*. Hence people are led into a ſecond error; which is, that Congreſs are a body independent of their conſtituents and under the influence of a diſtinct intereſt.

But we have ſeen before that our ſyſtems of civil government are different from all others; founded on different principles, more favourable to freedom and more ſecure againſt corruption.

We have no perpetual diſtinctions of property, which might raiſe one claſs of men above another, and create powerful family connections and combinations againſt our liberties. We ſuffer no hereditary offices or titles, which might breed inſolence and pride, and give their poſſeſſors an opportunity to oppreſs their fellow men. We are not under the direction of a bigoted clergy, who might rob us of the means of knowledge and then inculcate on credulous minds what ſentiments they pleaſe. Not a ſingle office or emolument in America is held by

preſcription.

preſcription or hereditary right; but all at the diſpoſal of the people, and not a man on the continent, but drones and villains, who has not the privilege of frequently chooſing his legiſlators and impeaching his magiſtrates for mal-adminiſtration. Such principles form the baſis of our American governments; the firſt and only governments on earth that are founded on the true principles of equal liberty and properly guarded from corruption.

The legiſlatures of the American ſtates are the only legiſlatures on earth, which are *wholly* dependent on the people at large; and Congreſs is as dependent on the ſeveral ſtates, as the legiſlatures are on their conſtituents. The members of Congreſs are choſen by the legiſlatures*, removable by them at pleaſure, dependant on them for ſubſiſtence and reſponſible to their conſtituents for their conduct. But this is not all. After having been delegated three years, the confederation renders them ineligible for the term of three years more; when they muſt return, mingle with the people and become private citizens. At the ſame time, their intereſt is the ſame with that of the people; for enjoying no excluſive privileges but what are temporary, they cannot knowingly enact oppreſſive laws, becauſe they involve themſelves, their families and eſtates in all the miſchiefs that reſult from ſuch laws.

People therefore who attempt to terrify us with apprehenſions of loſing our liberties, becauſe other ſtates have loſt theirs, betray an ignorance of hiſtory and of the principles of our confederation. I will not undertake to ſay that the government of the American ſtates will not be corrupted or degenerate into tyranny. But I venture to aſſert, that if it ſhould, it will be the fault of the people. If the people continue to chooſe their repreſentatives annually and the choice of delegates to Congreſs ſhould remain upon its preſent footing, that body can never become

* In eleven ſtates. In the other two, they are elected by the people. This is a defect, however, in the conſtitutions of thoſe ſtates, as the delegates, when choſen by the people, are immediately removable by the aſſembly and their place may be ſupplied without a reaſon given. The privilege of the people therefore is nothing.

become tyrants. A meaſure partially oppreſſive may be reſolved upon, but while the principles of repreſentation, which are always in the power of the people, remain uncorrupted, ſuch a meaſure can be of no long continuance. The beſt conſtitution of government may degenerate from its purity, through a variety of cauſes; but the confederation of theſe ſtates is better ſecured than any government on earth, and leſs liable to corruption from any quarter.

There is the ſame danger that the conſtitutions of the ſeveral ſtates will become tyrannical, as that the principles of federal government will be corrupted. The ſtates in their collective capacity have no more reaſon to dread an uncontrolable power in Congreſs, than they have in their individual capacity, to dread the uncontrolable power of their own legiſlatures. Their ſecurity in both inſtances is, an equal repreſentation, the dependence, the reſponſibility and the rotation of their repreſentatives. Theſe articles conſtitute the baſis of our liberties, and will be an effectual ſecurity, ſo long as the people are wiſe enough to maintain the principles of the confederation.

I beg leavehere to obſerve that a ſtate was never yet deſtroyed by a corrupt or a wicked adminiſtration. Weakneſs and wickedneſs, in the executive department, may produce innumerable evils; but ſo long as the principles of a conſtitution remain uncorrupted, their vigour will always reſtore good order. Every ſtride of tyranny in the beſt governments in Europe, has been effected by breaking over ſome conſtitutional barriers. But where a conſtitution is formed by the people and unchangable but by their authority, the progreſs of corruption muſt be extremely ſlow, and perhaps tyranny can never be eſtabliſhed in ſuch government, except upon a general habit of indolence and vice.

What do the ſtates obtain by reſerving to themſelves the right of deciding on the propriety of the reſolutions of Congreſs? The great advantage of having every meaſure defeated, our frontiers expoſed to ſavages, the

debts of the ſtates unpaid and accumulating, national faith violated, commerce reſtricted and inſulted, one ſtate filching ſome intereſt from another, and the whole body, linked together by cobwebs and ſhadows, the jeſt and the ridicule of the world. This is not a chimerical deſcription; it is a literal repreſentation of facts as they now exiſt. One ſtate found it could make ſome advantages by refuſing the impoſt. Congreſs have reaſoned with their legiſlature, and by incontrovertible proofs have pointed out the impropriety of the refuſal, but all to no purpoſe. Thus one fiftieth part of the ſtates counteracts a meaſure that the other ſtates ſuppoſe not only beneficial, but neceſſary; a meaſure, on which the diſcharge of our public debt and our national faith, moſt obviouſly depend. Can a government, thus feeble and disjointed, anſwer any valuable purpoſe? Can commutative juſtice between the ſtates ever be obtained? Can public debts be diſcharged and credit ſupported? Can America ever be reſpected by her enemies, when one of her own ſtates can, year after year, abuſe her weakneſs with impunity? No, the American ſtates, ſo celebrated for their wiſdom and valour in the late ſtruggle for freedom and empire, will be the contempt of nations, unleſs they can unite their force and carry into effect all the conſtitutional meaſures of Congreſs, whether thoſe meaſures reſpect themſelves or foreign nations.

The articles of confederation ordain, that the public expences ſhall be defrayed out of a common treaſury. But where is this treaſury? Congreſs preſcribe a meaſure for ſupplying this treaſury; but the ſtates do not approve of the meaſure; each ſtate will take its own way and its own time, and perhaps not ſupply its contingent of money at all. Is this an adherence to the articles of our union? It certainly is not; and the ſtates that refuſe a compliance with the general meaſures of the continent, would, under a good government, be conſidered as rebels. Such a conduct amounts to treaſon, for it ſtrikes at the foundation of government.

Permit me to aſk every candid American, how ſociety could

could exiſt, if every man aſſumed the right of ſacrificing his neighbours property to his own intereſt? Are there no rights to be relinquiſhed, no ſacrifices to be made for the ſake of enjoying the benefits of civil government? If every town in Rhode-Iſland, even the ſmalleſt, could annihilate every act of the legiſlature, could that ſtate exiſt? Were ſuch a ſelfiſh ſyſtem to prevail generally, there would be an end of government and civil ſociety would become a curſe. A ſocial ſtate would be leſs eligible than a ſavage ſtate, in proportion as knowledge would be increaſed and knaves multiplied. Local inconveniences and local intereſts never ought to diſappoint a meaſure of general utility. If there is not power enough in government to remedy theſe evils, by obliging private intereſts to give way to public, diſcord will pervade the ſtate, and terminate in a revolution. Such a power muſt exiſt ſome where, and if people will quarrel with good government, there are innumerable opportunities for ſome daring ambitious genius to erect a monarchy on civil diſſenſions. In America, there is no danger of an ariſtocracy; but the tranſition from popular anarchy to monarchy, is very natural and often very eaſy. If theſe ſtates have any change of government to fear, it is a monarchy. Nothing but the creation of a ſovereign power over the whole, with authority to compel obedience to legal meaſures, can ever prevent a revolution in favour of one monarchy or more. This event may be diſtant, but is not the leſs certain. America has it now in her power to create a ſupreme power over the whole continent, ſufficient to anſwer all the ends of government, without abridging the rights or deſtroying the ſovereignty of a ſingle ſtate. But ſhould the extreme jealouſy of the ſtates, prevent the lodgment of ſuch a power in a body of men choſen by themſelves and removable at pleaſure, ſuch a power will inevitably create itſelf in the courſe of events.

The confederation has ſketched out a moſt excellent form of continental government. The ninth article recites the powers of Congreſs, which are perhaps nearly ſufficient to anſwer the ends of our union, were there any method of enforcing their

their reſolutions. It is there ſaid what powers ſhall be exerciſed by Congreſs; but no penalty is annexed to diſobedience. What purpoſe would the laws of a ſtate anſwer, if they might be evaded with impunity? and if there were no penalty annexed to a breach of them? A law without a penalty is mere *advice*; a magiſtrate, without the power of puniſhing, is a *cypher*. Here is the *great defect* in the articles of our federal government. Unleſs Congreſs can be veſted with the ſame authority to compel obedience to their reſolutions, that a legiſlature in any ſtate has to enforce obedience to the laws of that ſtate, the exiſtence of ſuch a body is entirely needleſs and will not be of long duration. I repeat what I have before ſaid. The idea of governing thirteen ſtates and uniting their intereſts by mere *reſolves* and *recommendations*, without any penalty annexed to a non-compliance, is a ridiculous farce, a burleſque on government, and a reproach to America.

Let Congreſs be empowered to call forth the force of the continent, if neceſſary, to carry into effect thoſe meaſures which they have a right to frame. Let the preſident, be, *ex officio*, ſupreme magiſtrate, cloathed with authority to execute the laws of Congreſs, in the ſame manner as the governors of the ſtates, are to execute the laws of the ſtates. Let the ſuperintendant of finance have the power of receiving the public monies and iſſuing warrants for collection, in the manner the treaſurer has, in Connecticut. Let every executive officer have power to enforce the laws, which fall within his province. At the ſame time, let them be accountable for their adminiſtration. Let penalties be annexed to every ſpecies of male-adminiſtration and exacted with ſuch rigour as is due to juſtice and the public ſafety. In ſhort, let the whole ſyſtem of legiſlation, be the peculiar right of the delegates in Congreſs, who are always under the control of the people; and let the whole adminiſtration be veſted in magiſtrates as few as poſſible in number, and ſubject to the control of Congreſs only. Let every precaution be uſed in *framing* laws, but let no part of the ſubjects be able to reſiſt the execution. Let the people keep, and *forever keep*, the ſole right of legiſlation in their own repreſentatives; but diveſt themſelves wholly of any right to the adminiſtration. Let every ſtate reſerve its ſovereign right of directing its own internal affairs; but give to Congreſs the ſole right of conducting the general affairs of the continent. Such a plan of government is practicable; and I believe, the only plan that will preſerve the faith, the dignity and the union of theſe American ſtates.

I ſhall juſt hint ſeveral other matters, that may ſerve, in a more remote manner, to confirm the union of theſe ſtates.

Education or a general diffuſion of knowledge among all claſſes of men, is an article that deſerves peculiar attention. Science liberalizes men and removes the moſt inveterate prejudices. Every prejudice, every diſſocial paſſion is an enemy to a friendly intercourſe and the fuel of diſcord. Nothing can be more illiber-

al

al than the prejudices of the ſouthern ſtates againſt New-England manners. They deride our manners and by that deriſion betray the want of manners themſelves. However different may be the cuſtoms and faſhions of different ſtates, yet thoſe of the ſouthern are as ridiculous as thoſe of the northern. The fact is, neither one nor the other are the ſubjects of ridicule and contempt. Particular diſtricts have local peculiarities; but cuſtom gives all an equal degree of propriety. It is remarked of the Greeks as a great indelicacy of manners, that they held all the world, except themſelves, to be barbarians. The people of Congo think the world to be the work of angels; except their own country, which they hold to be the work of the ſupreme architect. The Greenlanders make a mock of Europeans or Kablunets, as they call them. They deſpiſe arts and ſciences and value themſelves on their ſkill in catching ſeals, which they conceive to be the only uſeful art*. Juſt as abſurd as theſe, are the prejudices between the ſtates. Education will gradually eradicate them, and a growing intercourſe will harmonize the feelings and the views of all the citizens.

Next to the removal of local prejudices, the annihilation of local intereſts between the ſtates deſerves their conſideration. Each ſtate wiſhes to enrich itſelf as much as poſſible; but it never ought to be done at the expence of a neighbour. All impoſts and duties upon goods purchaſed of one ſtate by another or carried in a port of another ſtate either by neceſſity or accident, are the effect of narrow views, and of ſelfiſh, unſociable, ungenerous principles, that degrade any ſtate where they operate. The ſtates may lay what dutes they pleaſe upon foreigners—this is no more than honeſt—but they ought to conſider their ſeveral intereſts as one—they ought to encourage the commerce of each other—they ought to promote ſuch an intercourſe as will conciliate rather than alienate each others affections. Every injury done by any particular ſtate to the union, will ultimately recoil upon itſelf with accumulated weight. It is the act of a madman to ſacrifice the happineſs of his life to a moment's pleaſure; and none but a fool would pull the houſe about his ears to find a ſhilling. So long as the ſtates are making every advantage out of each other, racking invention to enlarge their own bounds, and augment their wealth and reſpectability at each other's expence, jealouſy, ill-will and reproaches will diſturb the harmony of public meaſures and contibute to the diſſolution of all continental connections. Not only ſhould the ſtates avoid wringing property from each other by duties on articles of commerce; but alſo an extention of territory in ſuch a manner as to create reciprocal jealouſies. All the ſuperior reſpectability that a ſingle ſtate gains above others

* A faſhionable buck in Carolina deſpiſes literature. A man of ſcience, without the addreſs of the *beau monde*, is ridiculed and placed almoſt among the ſervants. In the ſouthern ſtates, gaming, fox-hunting and horſe-racing are the height of ambition; induſtry is reſerved for ſlaves. In the northern ſtates, induſtry and the cultivation of the arts and ſciences, diſtinguiſh the people. Which diſcover the beſt taſte?

others by its extent and wealth, detracts ſo much from the ſtrength and harmony of the union. In order to have our union complete and permanent, all the ſtates ſhould have an equal influence in public deliberations. The want of ſuch equality is a capital misfortune—it had well nigh prevented our confederation—and has produced other ſenſible inconveniences.

The abolition of ſlavery is a matter intimately connected with the policy of theſe ſtates. The northern ſtates would hardly feel ſuch an event—the ſouthern would at preſent ſuffer by it moſt ſenſibly. But ſlavery ought to be viewed as to its preſent tendency and remote conſequences. At preſent it is the bane of induſtry and virtue. The ſlaves in the ſouthern ſtates ſupport luxury, vice and indolence more than all other cauſes. They may enrich their owners; but render them too often uſeleſs members of ſociety. Nor are ſlaves ſo profitable as white people; for one man, who lives by his induſtry, and eats hearty food, will do as much labour as five negroes. Were the plantations leaſed for ſmall rents or the fee of the ſoil veſted in men, who have the proſpect of gain by their labour, they would be better cultivated and yield more produce to the owners. But aſide of the deteſtable principle of ſubjecting one man to the ſervice of another, which diſhonours a free government, and the evil of ſupporting luxury the bane of ſociety, ſlavery inſpires other principles repugnant to the genius of our American conſtitutions. It cheriſhes a ſpirit of ſupercilious contempt—a haughty, unſocial, ariſtocratic temper, inconſiſtent with that equality which is the baſis of our governments and the happineſs of human ſociety.

An uniformity in the general principles of each conſtitution, deſerves attention. Some defects may be found in all: I will mention but one, which is not common to all; the excluſion of clergymen from all civil offices. Conſidering the evils that mankind have ſuffered from Eccleſiaſtics in Europe, it is no wonder that Americans ſhould dread their power. But men, in avoiding one error, run into another. We are not apt to attend to the difference of circumſtances. The clergy in America do not and ought not, as a body, to form a part of government. But why, as individuals, they ſhould be excluded from all the emoluments of government, and all ſhare of making the laws to which they are ſubject, is to me inconceiveable. Merchants, mechanics and farmers as diſtinct bodies, have no power, but as individuals, they are elegible to offices of truſt and profit, and ſo ought to be eccleſiaſtics. Here is the diſtinction and the reaſoning applies with equal force, to every profeſſion.

Muſt clergymen, becauſe they are employed about ſpiritual concerns, be deprived of the privileges of ſociety? But aſide of the flagrant injuſtice of ſuch excluſion, the meaſure counteracts its own end. When eccleſiaſtics, as a body, are admitted to a ſhare of legiſlation, they may form combinations dangerous to a ſtate. To prevent this danger, ſome ſtates exclude them totally

from

from civil offices and thus make them foes to the government by a moſt tyrannical diſtinction. Such an excluſion therefore produces the very effect, which it was intended to prevent. The ſtate of New-York is a witneſs of this truth. Add to this the inevitable tendency of ſuch an excluſion to diſcourage men of knowledge and liberality from entering into a moſt uſeful and neceſſary profeſſion. Surely no ſtate ought to interweave, into its conſtitution, a general diſcouragement of a profeſſion, calculated at leaſt to promote the peace and happineſs of ſociety. Should I be aſked what privileges clergymen ought to enjoy? I would anſwer, the ſame as other citizens. This would annihilate their power as a body, by ſcattering its force, by leveling a diſtinction of orders, and blending the civil and eccleſiaſtical intereſts in one *indiviſible intereſt*.

The ſame principle, which excludes clergymen from civil offices, and which has introduced teſt laws and ſubſcription of creeds, into ſome of the American conſtitutions, would have juſtified the religious wars in France and Germany; nay, the ſame principle would have juſtified Nero and Dioclefian in extirpating chriſtianity and committing the bible to the flames. The principle would only be extended further in one caſe than in the other. If there is in the ſyſtem of things, ſuch a thing as true religion, and a ſpirit of pure benevolence; religious eſtabliſhments, ſacramental teſts, articles of faith, partial excluſion from emoluments, and that illiberal pride which ſanctifies our own opinions and damns all others, will forever baniſh them from human ſociety. Had it not been for theſe barriers, invented to guard human abſurdities, millions of lives would have been ſaved, and the members of every enlightened community would have been of *one religion*.

America is an independent empire, and ought to aſſume a national character. Nothing can be more ridiculous, than a ſervile imitation of the manners, the language, and the vices of foreigners. For ſetting aſide the infancy of our government and our inability to ſupport the faſhionable amuſements of Europe, nothing can betray a more deſpicable diſpoſition in Americans, than to be the apes of Europeans. An American ought not to aſk what is the cuſtom of London and Paris; but what is proper for us in our circumſtances and what is becoming our dignity? Inſtead of this, what is the fact? Why every faſhionable folly is brought from Europe and adopted without ſcruple in our dreſs, our manners and our converſation. All our ladies, even thoſe of the moſt ſcanty fortune, muſt dreſs like a dutcheſs in London; every ſhop-keeper muſt be as great a rake as an Engliſh lord; while the *belles* and the *beaux*, with taſtes too refined for a vulgar language, muſt, in all their diſcourſe, mingle a ſpice of *ſans ſouci* and *je ne ſcai quoi*.

But there is no reaſoning with cuſtom nor with faſhion. We ſhall probably learn the arts and virtues of Europeans; but certainly,

mainly, their vices and follies. In politics, our weakneſs will render us the dupes of their power and artifice; in manners, we ſhall be the ſlaves of their barbers and their coxcombs.

But however important may be the remote conſequences of a corruption of manners; yet much nearer concerns now demand our attention. Our union is ſo feeble, that no proviſion is made for diſcharging our debts. France calls for intereſt and that ſeriouſly. Our credit, our faith ſolemnly pledged, is at ſtake. Unleſs we conſtitute a power at the head of the ſtates, ſufficient to compel them to act in concert, I now predict not only a diſſolution of our federal connection, but a rupture with our national creditors. A war in Europe may poſſibly ſuſpend this event; but it muſt certainly take place, unleſs we ſacrifice our jealouſy to our true intereſt.

Three things demand our early and careful attention; a general diffuſion of knowledge; the encouragement of induſtry, frugality and virtue; and a ſovereign power at the head of the ſtates. *All* are eſſential to our peace and proſperity; but on an energetic continental government principally depend our tranquility at home and our reſpectability among foreign nations.

We ought to generalize our ideas and our meaſures. We ought not to conſider ourſelves as inhabitants of a particular ſtate only; but as *Americans*; as the common ſubjects of a great empire. We cannot and ought not wholly to diveſt ourſelves of provincial views and attachments; but we ſhould ſubordinate them to the general intereſts of the continent. As a member of a family, every individual has ſome domeſtic intereſts; as a member of a corporation, he has other intereſts; as an inhabitant of a ſtate, he has a more extenſive intereſt; as a citizen and ſubject of the American empire, he has a national intereſt far ſuperior to all others. Every relation in ſociety conſtitutes ſome obligations, which are proportional to the magnitude of the ſociety. A good prince does not aſk what will be for the intereſt of a county or ſmall diſtrict in his dominions; but what will promote the proſperity of his kingdom? In the ſame manner, the citizens of this new world, ſhould enquire, not what will aggrandize this town or this ſtate; but what will augment the power, ſecure the tranquility, multiply the ſubjects, and advance the opulence, the dignity and the virtues of the United States. Self intereſt, both in morals and politics, is and ought to be the ruling principle of mankind; but this principle muſt operate in perfect conformity to ſocial and political obligations. Narrow views and illiberal prejudices may for a time produce a ſelfiſh ſyſtem of politics in each ſtate; but a few years experience will correct our ideas of ſelf-intereſt, and convince us that a ſelfiſhneſs which excludes others from a participation of benefits, is, in all caſes, ſelf-ruin, and that *provincial intereſt* is inſeperable from *national intereſt*.

20 JY 64

THE END.